

# 247 82-53-A **PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3C.1. (See attached)

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

As shown on the accompanying plat, the five proposed lots, for each of the five existing dwellings on this tract of land, need to conform to the current zoning regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

(Type or Print Name)

Betty Lee Dulany

Signature

*Betty Lee Dulany*

Address

John W. Stebbins

City and State

Towson, MD

Address for Petitioner:

Signature

(Type or Print Name)

1303 Margarette Avenue

City and State

Towson, MD

Address

1303 Margarette Avenue

City and State

Towson, MD

Attorney's Telephone No.:

Mr. William J. Dulany

Address

1303 Margarette Avenue

City and State

Towson, MD

Attorney's Telephone No.:

1303 Margarette Avenue

City and State

Towson, MD

Attorney's Telephone No.:

1303 Margarette Avenue

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Attorney's Telephone No.:

1303 Margarette Avenue

City and State

Towson, MD

Attorney's Telephone No.:

1303 Margarette Avenue

## **BALTIMORE COUNTY, MARYLAND**

### **INTER-OFFICE CORRESPONDENCE**

Mr. W. E. Hammond  
Zoning Commissioner  
Norman E. Gerber, Director  
Office of Planning and Zoning

Date: August 4, 1981

FROM: Petition No. 82-53-A Item 247

SUBJECT: Petition for Variance  
S/W corner Highland Avenue and Park Avenue  
Petitioner- Betty Lee Dulaney, et al

Petition for Variance  
S/W corner Highland Avenue and Park Avenue  
Petitioner- Betty Lee Dulaney, et al

There are no comprehensive planning factors requiring comment on this petition.

NEG:JGH:cb

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

August 25, 1981

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Ms. Betty Lee Dulany  
1303 Margarette Avenue  
Towson, Maryland 21204

cc: Nicholas B. Commodari  
Chairman

RE: Item No. 247  
Petitioner - Betty Lee Dulany, et al  
Variance Petition

Dear Ms. Dulany:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject property, located on the southwest corner of Park and Highland Avenues, is presently improved with five dwellings that are proposed to be subdivided into separate lots. Because of this, the variances are required.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*

NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

ENC:cb

Enclosures

cc: McKee, DuVal & Associates, Inc.  
1717 York Road  
Lutherville, Maryland 21093



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL R.E.  
DIRECTOR

August 19, 1981

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #247 (1980-1981)  
Property Owner: Betty Lee Dulany et al  
S/W corner Highland Ave. and Park Avenue  
Acres: 1.174 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Subdivision and resubdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Highland and Park Avenues, existing public roads, are proposed to be improved in the future as 40 and 30-foot closed section roadways on 60 and 50-foot rights-of-way, respectively, with fillet areas for sight distance at their intersection.

The 6-foot driveways indicated as "Park Lane (Private)" provide private means of access to the existing three dwellings within the interior of this site.

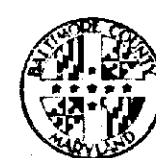
Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

A drainage swale traverses this site.



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-2211

NORMAN E. GERBER  
DIRECTOR

August 3, 1981

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #247, Zoning Advisory Committee Meeting, June 30, 1981, are as follows:

Property Owner: Betty Lee Dulaney et al  
Location: SW/corner Highland Avenue and Park Avenue  
Acres: 1.174  
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The subject property is being subdivided into lots. The owner must comply with Title 22 of the Baltimore County Code (Subdivision Regulations).

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
(410) 434-3550

STEPHEN E. COLLINS  
DIRECTOR

August 27, 1981

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment regarding items number 243, 244, 245, 246, and 247 of ZAC meeting June 30, 1981.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineering Associate II

MEF/jem

*Betty*  
82-53-A  
9/30

Item #247 (1980-1981)  
Property Owner: Betty Lee Dulany et al  
Page 2  
August 19, 1981

Storm Drains: (Cont'd)

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Water and Sanitary Sewer:

The present or proposed means of supplying potable water and disposal of sewage has not been indicated on the submitted plan.

There are public water mains, 6-inch in Park Avenue, 8-inch in Highland Avenue and 12-inch in Allegheny Avenue and 8-inch public sanitary sewerage exists in each of these avenues.

Fire hydrants are located on Highland Avenue at the Joppa Road and Allegheny Avenue intersections. Additional fire hydrant protection is required in this vicinity.

Very truly yours,

*Robert A. Morton*  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RM: EAM:FW:ass

cc: Jack Wimbley  
William Munchel

N-W Key Sheet  
39 NE 1 Pos. Sheet  
ME 10 A Topo  
70 & 70A Tax Maps

Betty Lee Dulany  
1303 Margarette Avenue  
Towson, MD 21204

cc: McKee, DuVal & Associates, Inc.  
1717 York Road  
Lutherville, MD 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 27th day of August 1981.

*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner: Betty Lee Dulany, et al  
Reviewed by: *Nicholas B. Commodari*  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee



# PETITION FOR ZONING VARIANCE 84-53-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.2b (3) To permit 31 parking spaces in lieu of the required 33.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The geometric of this site dictate a layout of the proposed facility that utilizes optimum traffic and pedestrian patterns. Therefore, to achieve the above conditions, the subject site will not yield the required offsite parking spaces. From a practical standpoint, we are requesting a variance to the offsite parking regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: John W. Hession, III  
(Type or Print Name)  
Signature: [Signature]  
Address: 111 W. Chesapeake Ave.  
City and State: Baltimore, Md. 21204  
Attorney for Petitioner: [Signature]  
(Type or Print Name)  
Signature: [Signature]  
Address: 111 W. Chesapeake Ave.  
City and State: Baltimore, Md. 21204  
Attorney's Telephone No.: [Signature]

Legal Owner(s): Estate of Milton Schwaber  
Sidney Weiman  
(Type or Print Name)  
Signature: [Signature]  
Address: 910 Reisterstown Rd.  
City and State: Baltimore, Maryland 21208  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: 910 Reisterstown Rd. 410-6100

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of June, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of August, 1983, at 11:00 o'clock A.M.

(over)

Estate of Milton Schwaber  
3 Sidney Weiman, et al  
910 Reisterstown Road  
Baltimore, Md. 21208

Ira Clifford - Taco Bell  
Rt. 1, Box 391  
Stevensville, Md. 21666

## BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 13th day of June, 1983

ARNOLD KABLON  
Zoning Commissioner

Petitioner Estate of Milton Schwaber received by: Nicholas B. Commodari  
Petitioner's Attorney: Nicholas B. Commodari  
Chairman, Zoning Plans Advisory Committee

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
S/S Baltimore National Pike,  
580' SW of Charing Cross Rd.,  
1st District : OF BALTIMORE COUNTY

ESTATE OF MILTON SCHWABER, Case No. 84-53-A  
Petitioner

## ORDER TO ENTER APPEARANCE

Mr. Commissioners:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2138

I HEREBY CERTIFY that on this 25th day of July, 1983, a copy of the foregoing

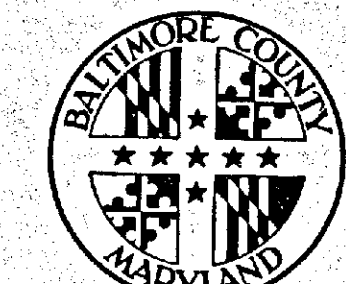
Order was mailed to Sidney Weiman, Myra Wagonheim and Louis Silberstein, Personal Representatives, Estate of Milton Schwaber, 910 Reisterstown Road, Baltimore, MD 21208, Petitioner; Mr. Ira M. Clifford, T/A Taco Bell, Route 1, Box 391, Stevensville, MD 21666, Contract Purchaser; and Lyon Associates, Inc., 7131 Rutherford Road, Baltimore, MD 21207, who requested notification.

John W. Hession, III  
John W. Hession, III

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: William Hammond  
Zoning Commissioner  
FROM: Norman E. Gerber, Director  
Office of Planning and Zoning  
SUBJECT: Milton Schwaber, 84-53-A

If granted, it is requested that details of landscaping be submitted to the Division of Current Planning and Development for their review and approval.

NEG:JGH:cav

Norman E. Gerber  
Director of Planning and Zoning



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

June 16, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

## General:

Baltimore National Pike (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Baltimore County highway and utility improvements exist and are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Fire hydrants are located at Arlington and Coleridge Roads and also at Charing Cross and Old Frederick Roads.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 239 (1982-1983).

Very truly yours,  
Robert A. Norton, P.E., Chief  
Bureau of Public Services

RAM:ENM:FVR:SS

G-W Key Sheet  
3 SW 19 Pos. Sheet  
SW 1 E Topo  
95 Tax Map  
cc: William Munchel

Re: Item #239 (1982-1983)  
Property Owner: Estate of Milton Schwaber  
S/S Baltimore National Pike 580' S/W of  
Charing Cross Rd.  
Acres: 0.470 District: 1st



Maryland Department of Transportation  
State Highway Administration

Lowell K. Bridwell  
Secretary  
M. S. Caltrider  
Administrator

June 1, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 5-24-83  
ITEM: #239  
Property Owner: Estate of Milton Schwaber  
Location: S/S Baltimore National Pike, Route 40-W, 580' S/W of centerline Charing Cross Road  
Existing Zoning: B.L.  
Proposed Zoning: Variance to permit 31 parking spaces in lieu of the required 33 spaces.  
Acres: 0.470  
District: 1st

Dear Mr. Hammond:

On review of the site plan of 4-28-83 and field inspection, the State Highway Administration finds the plan must be revised to show the following.

The proposed parking space (#31) should be eliminated or shown as employee parking only. This would eliminate vehicles from backing out of space #31 and adding conflict within the entrance at peak hours of business.

It is requested the plan be revised prior to a hearing date.

Very truly yours,  
Charles Lee, Chief  
Bureau of Engineering Access Permits

By: George Wittman

CL:GW:maw

Attachment

CC: Mr. Ogle  
My telephone number is (301) 659-1350  
Teletypewriter for Impaired Hearing or Speech  
301-755 Baltimore Metro - 301-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204  
ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Estate of Milton Schwaber  
3 Sidney Weiman, et al  
910 Reisterstown Road  
Baltimore, Maryland 21208

RE: Item No. 239 - Case No. 84-53-A  
Petitioner - Estate of M. Schwaber  
Variance Petition

Dear Sirs:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to raze the existing building and construct a large restaurant building on this site, this variance hearing for parking is required.

I contacted Mr. Ted Snovell of Lyon Associates, Inc., concerning the comments of the State Highway Administration, and he indicated that parking space No. 31, located to the front of the proposed building, would be designated as employee parking.

By copy of this letter, I suggest that Mr. Snovell check with the Office of Current Planning to determine if this site will be subject to review by the County Review Group (CRG).

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
Nicholas B. Commodari  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee  
cc: Taco Bell, Stevensville, Md. 21666  
Lyon Associates, Inc. 7131 Rutherford Rd. Balt., Md. 21207

NBC:bsc  
Enclosures



Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

## 1st Election District

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

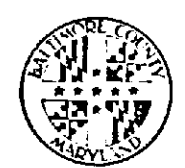
The Zoning Regulation to be excepted as follows:  
Section 409.2b (3) - parking requirements for a restaurant

All that parcel of land in the First District of Baltimore County

Hearing Date: Wednesday, August 17, 1983 at 11:00 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,  
Towson, Maryland

FEB 21 1964





BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

June 22, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

-ZAC- Meeting of May 24, 1983  
Item No. 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, and 248  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for items numbers 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, and 248.

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Assoc. III

MSF/cem



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3553

ARNOLD JABLON  
ZONING COMMISSIONER

August 19, 1983

Mr. Anthony J. Cortez  
Lyon Associates, Inc.  
7131 Rutherford Road  
Baltimore, Maryland 21207

Dear Mr. Cortez:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

Attachments

cc: John W. Hessian, III, Esquire  
People's Counsel



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. RENCKE  
CHIEF

September 14, 1983

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Estate of Milton Schwaber

Location: S/S Baltimore National Pike 580' S/W of centerline Charing Cross Road  
Item No.: 239 Zoning Agenda: Meeting of May 24, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the International Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *George M. Hegardt*  
Planning & Zoning Division Fire Prevention Bureau  
Special Inspection Division

JK/nb/cm

June 13, 1983  
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 239, Zoning Advisory Committee Meeting of May 24, 1983

Property Owner: Estate of Milton Schwaber

Location: S/S Baltimore National Pike District 14

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any chandelier operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 239  
Page 2

- ( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- ( ) Soil percolation tests have been conducted.  
( ) The results are valid until \_\_\_\_\_  
( ) Revised plans must be submitted prior to approval of the percolation tests.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until \_\_\_\_\_  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- ( ) All roads and parking areas should be surfaced with a dustless, bonding material.
- (X) No health hazards are anticipated.
- ( ) Others \_\_\_\_\_

*Jan J. Forrest*  
Jan J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3600

June 6, 1983

ED JAKSNI JR.  
DIRECTOR  
Mr. William B. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 239 Zoning Advisory Committee Meeting May 24, 1983 are as follows:

Property Owner: Estate of Milton Schwaber  
Location: S/S Baltimore National Pike 580' S/W of centerline Charing Cross Road  
Existing Zoning: B-1a  
Proposed Zoning: Variance to permit 31 parking spaces in lieu of the required 33 spaces.

Acres: 0.170  
District: 1st

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Aged and other applicable Codes.
- (X) A building and other miscellaneous permits shall be required before beginning construction, and zoning permit.
- ( ) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal 14/16 not required.
- (X) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- (X) An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistance construction; no openings permitted within 3'-0" of lot lines. A fire wall is required if construction is on the lot line. See Table 401, line 2, Section 1107 and Table 1102.
- ( ) Requested variance conflicts with the Baltimore County Building Code, Section/s \_\_\_\_\_
- ( ) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- (X) Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 505 and the required construction classification of Table 401.
- (X) Comments: Locate handicapped parking so they are not compelled to pass behind parked vehicles. Show signs, curb cuts, ramps, etc.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit application. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

*Charles R. Burnham*  
Charles R. Burnham, Chief  
Plans Review

CRB:rrj

FORM 01-82

IN RE: PETITION ZONING VARIANCE : BEFORE THE  
S/S of Baltimore National Pike, : ZONING COMMISSIONER  
580' SW of Charing Cross Road - : OF BALTIMORE COUNTY  
1st Election District :  
Estate of Milton Schwaber, : Case No. 84-53-A  
Petitioner :  
::: :::: :::: :::: :::: ::::

# FINDING OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 31 parking spaces in lieu of the required 33 spaces for its proposed restaurant.

Petitioner was represented by Anthony J. Cortez, employed by Lyon Associates, Inc., who testified and explained the proposed building of a Taco Bell Restaurant on the particular site as described in a site plan, introduced as Petitioner's Exhibit 1. There appeared no protestants.

Testimony indicated, and was uncontested, that the property as it will be developed into a restaurant can allow for 31 parking spaces, and not the 33 as required by the Baltimore County Zoning Regulations (BCZR), Section 409.2.b.(3). The Petitioner presented evidence that the property would not provide the sufficient parking spaces required due to the necessity of the size of the building and the size of the particular parcel and its particular configuration.

It is obvious that there will be no substantial detriment to the public good and there will not be any substantial impairment to the intent and the purpose of the zoning ordinance.

The Petitioner, therefore, seeks relief from Section 409.2.b.(3), BCZR, pursuant to Section 307, BCZR.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the requirements the

Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19<sup>th</sup> day of August, 1983, that the Petition for Variance to permit 31 parking spaces in lieu of the required 33 spaces, as more fully and accurately described in a site plan, dated August 9, 1983, and introduced as Petitioner's Exhibit 2, be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for the building permit and be granted same upon receipt of the Order; however, Petitioner is hereby made aware that its proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner designate parking space No. 31, as more fully shown on Petitioner's Exhibit 2, as solely for employee parking.
3. The Petitioner provide for and locate handicapped parking spaces so that each does not compel the handicapped person to pass behind parked vehicles, and that the Petitioner clearly mark and show all appropriate signs, curb cuts, ramps, etc., as more fully described and accurately shown on Petitioner's Exhibit 2.

*Arnold Jablon*  
Zoning Commissioner of  
Baltimore County

ORDER RECEIVED FOR FILING

DATE August 19, 1983

BY *Mary Compton Clark*  
Municipal Assessor

ORDER RECEIVED FOR FILING

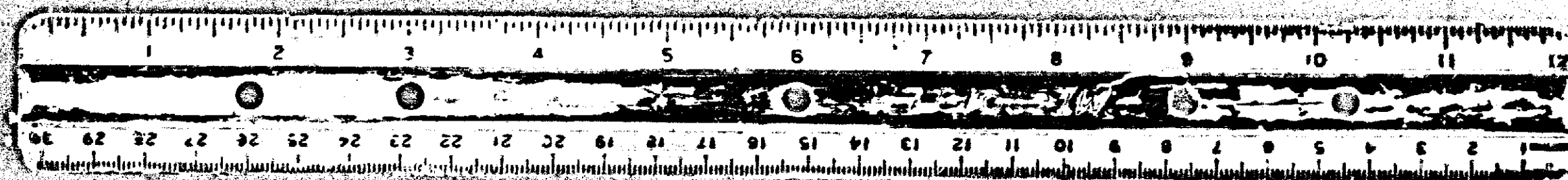
DATE August 19, 1983

BY *Mary Compton Clark*  
Municipal Assessor





**PETITIONER'S  
EXHIBIT** 4





84-573

Dr. Rebecca C. Tansil  
Sunset Lane  
Parkton, Maryland 21120

March 13, 1984

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner, who was sitting in a judicial capacity. Attached to your letter you had a copy of his decision, but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

As you note, this decision was appealed to the County Board of Appeals for Baltimore County, where another public hearing was held. A decision by the Board to reverse, modify, or uphold the Commissioner's decision should be forthcoming. Like the Zoning Commissioner, the Board is a quasi-judicial body which takes testimony, hears evidence, and is bound by the law. If you are right in your objections, I am sure the Board would reverse the Commissioner's decision, thereby preventing the kennel from being constructed. Regardless of the Board's decision, an appeal may be taken to the Circuit Court for Baltimore County.

The Zoning Commissioner's rationale for initially granting the kennel can be found in his decision and, although you disagree, the bases for that decision were founded in the testimony and evidence presented to him at the hearing. He heard the testimony of the protestants and obviously recognized their concerns as can be discerned from the number of restrictions.

Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

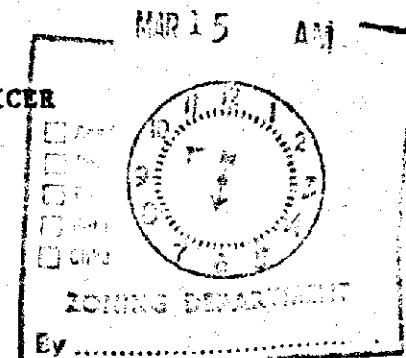
B. MELVIN COLE

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:AJkb

Attachment

cc: Arnold Jablon, Zoning Commissioner



BALTIMORE COUNTY

TRANSMITTAL  
MEMO

TO: B. Melvin Cole, Administrative Officer  
FROM: Arnold Jablon, Zoning Commissioner  
SUBJECT: Kennel Permit  
DATE: 3/13/84  
Correspondence Dated March 6, 1984

XX

Dr. Rebecca Tansil

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner who was sitting in his judicial capacity. Attached to your letter, you had a copy of his decision but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

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Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

B. MELVIN COLE  
Administrative Officer

BMC/AJ/srl

BALTIMORE COUNTY, MARYLAND

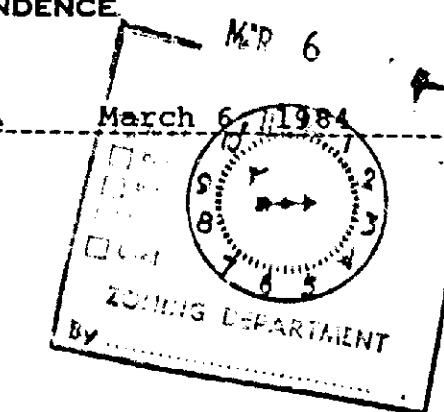
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon  
Zoning Commissioner

Date: March 6, 1984

FROM: B. Melvin Cole

SUBJECT: Kennel Permit



I received the attached package of materials from Dr. Rebecca Tansil, a fine lady who has a great affection and concern for animals, particularly dogs.

It is obvious that she is very concerned about some action which we have taken to permit the establishment of a kennel devoted to the breeding of Chow dogs somewhere in or near the Gunpowder Park area.

When you have an opportunity, will you give me some type of response which I might make to Dr. Tansil to support the action which we have taken?

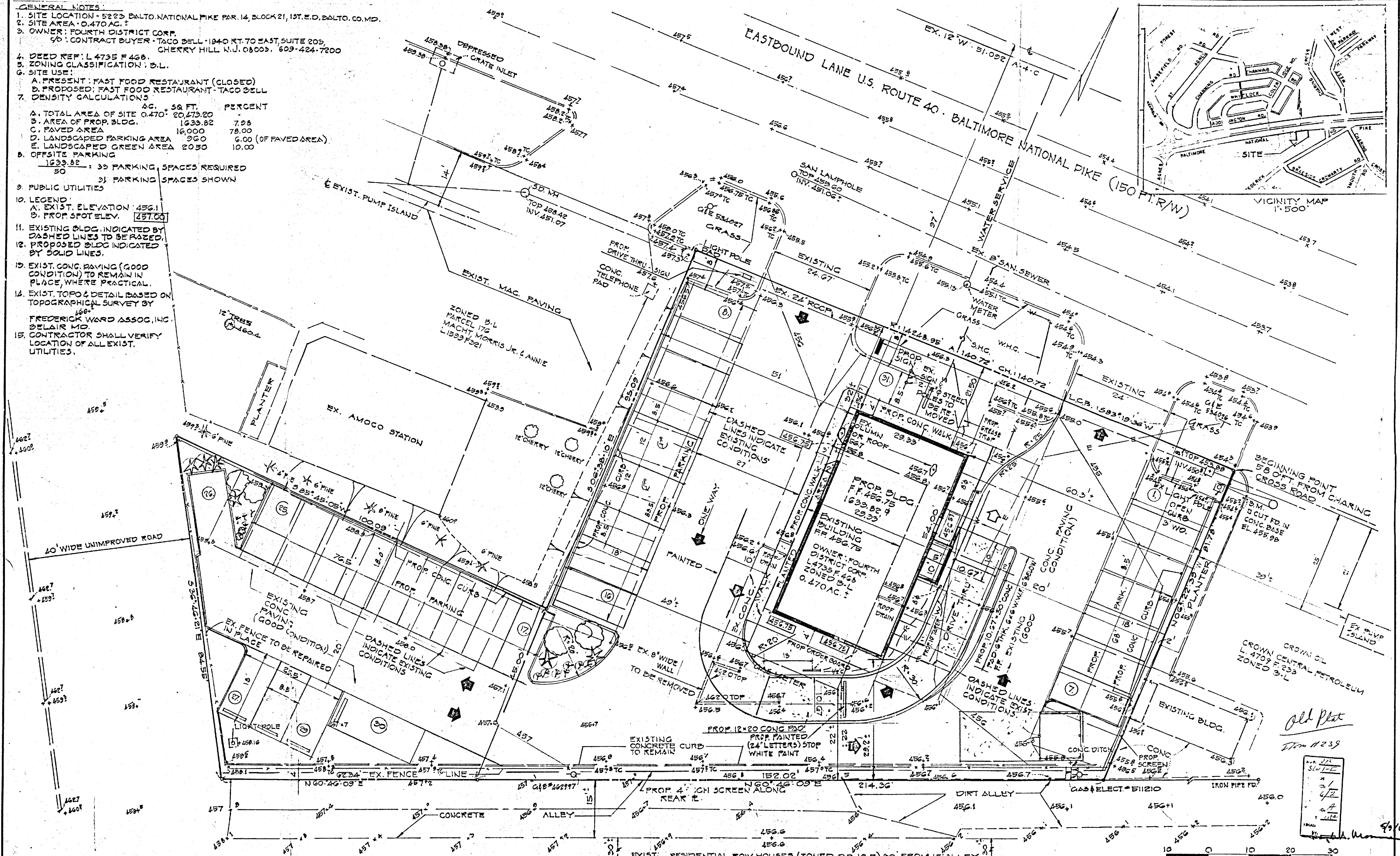
B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:cr  
Attachment



# GENERAL NOTES

1. SITE LOCATION - 5223 BALTO. NATIONAL PIKE PAR. 14, BLOCK 21, 1ST. E.D. BALTO. CO. MD.
2. SITE AREA - 0.470 AC. ±
3. OWNER: FOURTH DISTRICT CORP.  
90 CONTRACT BUYER - TACO BELL - 1940 RT. 70 EAST, SUITE 203  
CHERRY HILL N.J. 08003, 609-424-7200
4. DEED REF: L 4735 F 468.
5. ZONING CLASSIFICATION: B.L.
6. SITE USE:  
A. PRESENT: FAST FOOD RESTAURANT (CLOSED)  
B. PROPOSED: FAST FOOD RESTAURANT - TACO BELL
7. DENSITY CALCULATIONS:  
A. TOTAL AREA OF SITE 0.470 ± 20,473.20  
B. AREA OF PROP. BLDG. 1633.82 7.98  
C. PAVED AREA 16,000 78.00  
D. LANDSCAPED PARKING AREA 960 6.00 (OF PAVED AREA)  
E. LANDSCAPED GREEN AREA 2030 10.00
8. OFFSITE PARKING  
1633.82 : 39 PARKING SPACES REQUIRED  
50 : 31 PARKING SPACES SHOWN
9. PUBLIC UTILITIES
10. LEGEND:  
A. EXIST. ELEVATION 456.1  
B. PROP. SPOT ELEV. 457.00
11. EXISTING BLDG. INDICATED BY DASHED LINES TO BE RAZED.
12. PROPOSED BLDG. INDICATED BY SOLID LINES.
13. EXIST. CONC. PAVING (GOOD CONDITION) TO REMAIN IN PLACE, WHERE PRACTICAL.
14. EXIST. TOPO & DETAIL BASED ON TOPOGRAPHICAL SURVEY BY  
FREDERICK WARD ASSOC., INC.  
BELAIR MD.
15. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXIST. UTILITIES.



**LYON ASSOCIATES, INC.**  
7131 Rutherford Road, Baltimore, Maryland 21207  
Telephone: 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

PETITION FOR ZONING VARIANCE PLAT  
5223 BALTIMORE NATIONAL PIKE - U.S. RT. 40  
1ST. DIST. BALTO. CO. MD.

PLAN PREPARATION	
DRAWN BY TKS	DATE 4-28-83
DESIGNED BY TKS	SCALE 1" = 10'
CHECKED BY T.C.	

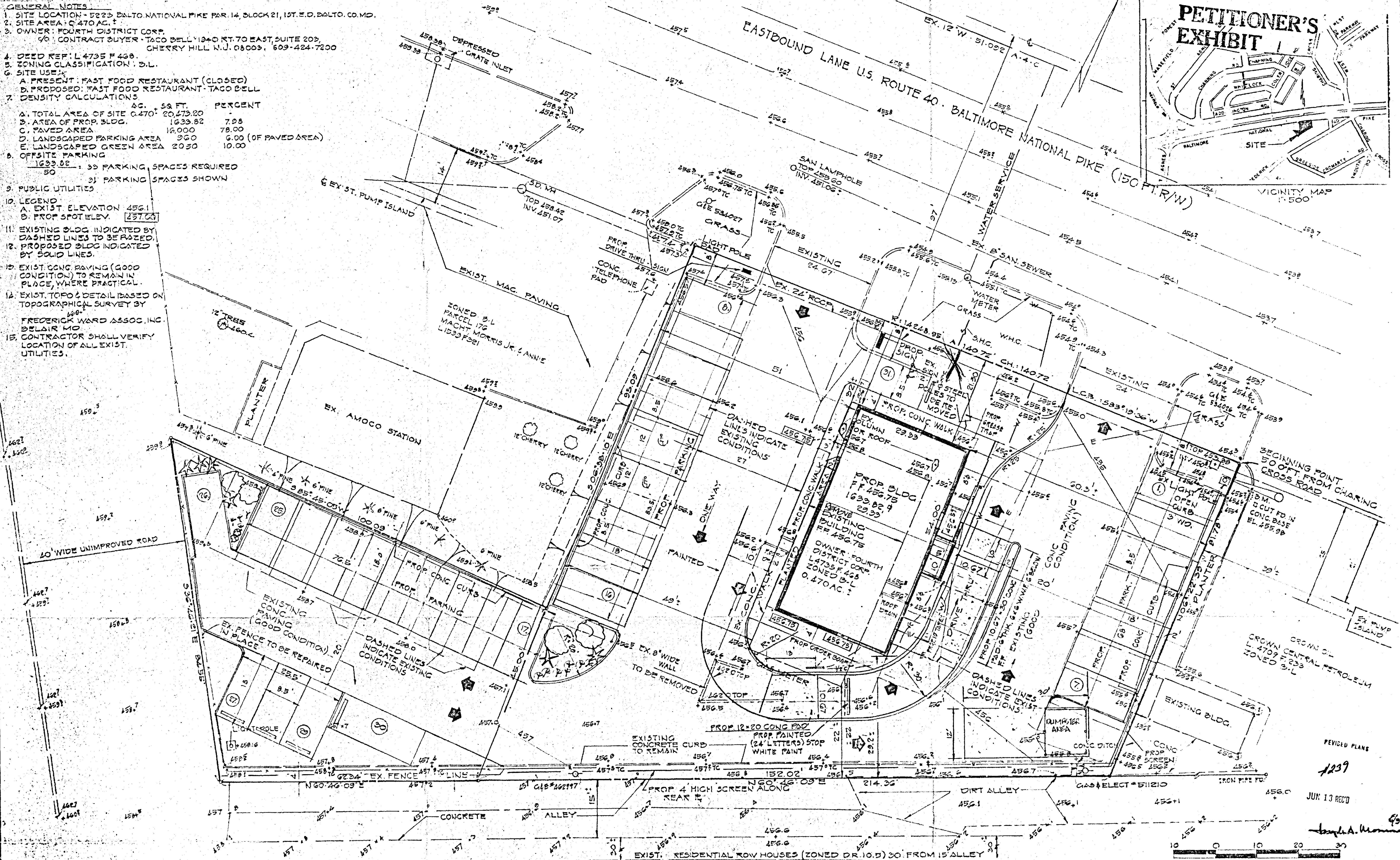
TACO BELL  
1940 RT. 70 EAST, SUITE 203  
CHERRY HILL N.J. 08003 (609) 424-7200  
DRAWING NO. A-40928  
SHEET NO. 1 of 1







- GENERAL NOTES
1. SITE LOCATION - 5223 BALTO. NATIONAL PIKE PAR. 14, BLOCK 21, 1ST. E.D. BALTO. CO. MD.
  2. SITE AREA: 0.470 AC. ±
  3. OWNER: FOURTH DISTRICT CORP.  
90 CONTRACT BUYER - TACO BELL 1940 RT. 70 EAST, SUITE 203,  
CHERRY HILL N.J. 08003, 609-424-7200
  4. DEED REF: L 4735 F 428.
  5. ZONING CLASSIFICATION: B.L.
  6. SITE USE:  
A. PRESENT: FAST FOOD RESTAURANT (CLOSED)  
B. PROPOSED: FAST FOOD RESTAURANT - TACO BELL
  7. DENSITY CALCULATIONS:  
AC. SQ. FT. PERCENT  
A. TOTAL AREA OF SITE 0.470 20,473.80  
B. AREA OF PROP. BLOC. 1633.82 7.98  
C. PAVED AREA 18,000 78.00  
D. LANDSCAPED PARKING AREA 360 6.00 (OF PAVED AREA)  
E. LANDSCAPED GREEN AREA 2050 10.00  
8. OFFSITE PARKING  
1633.82 - 33 PARKING SPACES REQUIRED  
50 31 PARKING SPACES SHOWN
  9. PUBLIC UTILITIES
  10. LEGEND  
A. EXIST. ELEVATION 456.1  
B. PROP. SPOT ELEV. 457.00
  11. EXISTING BLOC. INDICATED BY DASHED LINES TO BE RAZED.
  12. PROPOSED BLOC. INDICATED BY SOLID LINES.
  13. EXIST. CONC. PAVING (GOOD CONDITION) TO REMAIN IN PLACE, WHERE PRACTICAL.
  14. EXIST. TOPO & DETAIL BASED ON TOPOGRAPHICAL SURVEY BY  
FREDERICK WARD ASSOC. INC.  
BELAIR MD.  
15. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXIST. UTILITIES.



LYON ASSOCIATES, INC.

7131 Rutherford Road, Baltimore, Maryland 21207  
Telephone: 301-944-9112

REVISIONS

NO.	DATE	DESCRIPTION

PETITION FOR ZONING VARIANCE PLAT  
5223 BALTIMORE NATIONAL PIKE - U.S. RT. 40

1ST. DISTR.

BALTO. CO. MD.

PLAN PREPARATION

DRAWN BY: TKS	DATE: 4-23-83
DESIGNED BY: TKS	SCALE: 1"=10'
CHECKED BY: T. ZORIEL	

TACO BELL  
1940 RT. 70 EAST, SUITE 203  
CHERRY HILL, N.J. 08003 (609) 424-7200

DRAWING NO.  
A-40928

SHEET NO.  
1 of 1

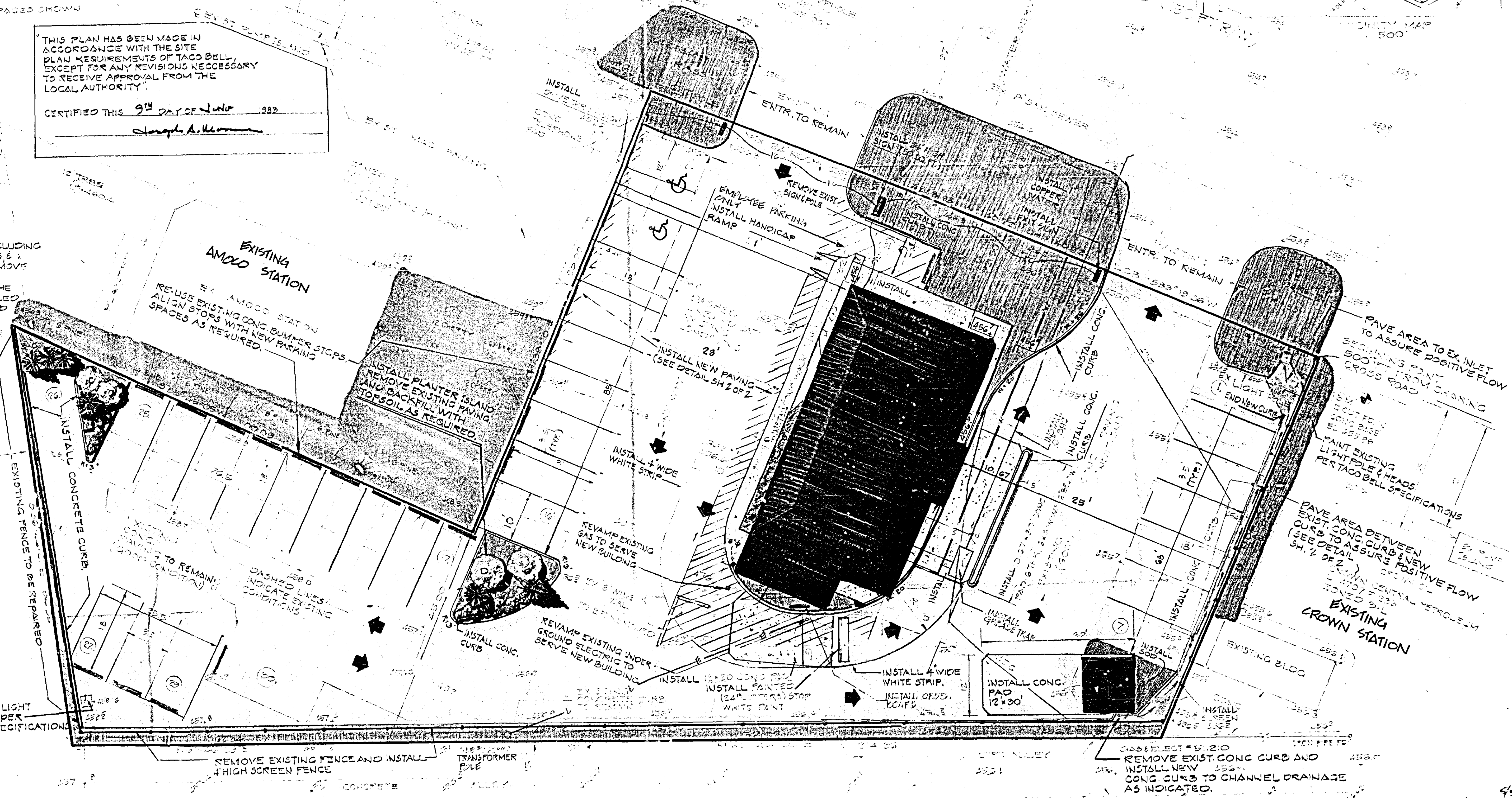


PETITIONER'S  
EXHIBIT 7

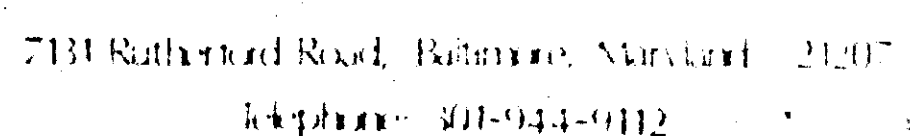
EASTBOUND LANE U.S. ROUTE 40 BALTIMORE NATIONAL PIKE

17. CONTRACTOR SHALL PLACE KEROSENE ON ALL WEEDS GROWING THRU PAVEMENT PRIOR TO LEAVING SITE.

CERTIFIED THIS 9<sup>TH</sup> DAY OF June 1933  
Joseph A. McManis



4/9/03  
Kasey L. A. Brown



SHEET NO. 1





Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship to the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner  
TO: Office of Planning and Zoning Date: August 12, 1981  
FROM: Ian J. Forrest  
SUBJECT: Zoning Variance Items  
The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:  
Item #239 - Gulan Bar  
Item #247 - Betty Lee Dulany, et al  
Item # 10 - Fung Kim Lam, et al  
Item # 11 - Baltimore and Ohio Railroad Company  
Item # 14 - Lewis Investment Company  
Item # 15 - North View Associates  
Item # 16 - Transportation Displays, Inc.  
Item # 17 - Gale and Helen Nelson  
Item # 18 - William and Kathryn Koenig  
Item # 19 - East Bay Development Corp.  
Item # 21 - Karen D'Amico, et al  
Item # 22 - Wesley E. and Cecilia M. Daub  
Item # 23 - Dorothea Demetriakie  
Item # 24 - Bertha Liman  
Item # 26 - Robert E. and Pearl A. House, Jr.  
Item # 27 - Randallstown Associates  
Item # 28 - Arundel Lumber Company, Inc.  
Item # 29 - Palanski Industrial Park, Assoc.  
Item # 30 - Samuel L. and Margaret B. Brown  
Item # 32 - Charles J. and Eva Lee Fischer, Jr.

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

137/rth



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. REINCKE  
CHIEF

Mr. William E. Hammond,  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Betty Lee Dulany Et Al

Location: SW/Cor. Highland Avenue & Park Avenue

Item No.: 247

Zoning Agenda: Meeting of June 30, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and  
Planning Group Special Inspection Division

Approved: [Signature] Fire Prevention Bureau

/mb/nr



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

TED JACSON, JR.  
DIRECTOR

July 6, 1981

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 247 Zoning Advisory Committee Meeting: June 30, 1981

are as follows:

Property Owner: Betty Lee Dulany Et al  
Location: SW corner Highland Avenue and Park Avenue  
Existing Zoning: D.R. 3.5 & D.R. 5.5  
Proposed Zoning: See page 2 for Proposed Zoning.

Acres: 1.174  
District: 9th

The items checked below are applicable:

A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.

B. A building/ \_\_\_\_\_ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.

F. Requested variance conflicts with the Baltimore County Building Code, Section \_\_\_\_\_

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 202 and the required construction classification of Table 211.

I. Comments - Any proposed or future construction, alteration, etc., shall comply with the above codes.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

[Signature]  
Charles E. Burnham, Chief  
Plans Review

CEB/rj

Comments #247 Zoning Advisory Committee Meeting of June 30, 1981

PROPOSED ZONING: Variance - Lot #2, to permit side yard setbacks of 7' and 1' in lieu of the required 10'; and to permit a rear yard setback of 3' in lieu of the required 30'. Lot #4, to permit a lot width of 58' at the existing front building line, in lieu of the required 70', to permit a side yard setback of 7.5' in lieu of the required 10' and to permit a sum of side yard widths of 39.5' in lieu of the required 25'. Lot #6, to permit a lot width of 58' at the existing front building line in lieu of the required 70', to permit side yard setback of 7.5' in lieu of the required 10' and to permit a minimum sum of side yard widths of 19.5' in lieu of the required 25'.

[Signature]

January 5, 1982

Gordon G. Power, Esquire  
21 West Susquehanna Avenue  
Towson, Maryland 21204

RE: Petition for Variances  
SW/Corner of Highland and Park  
Avenues - 9th Election District  
Betty Lee Dulany - Petitioner  
NO. 82-53-A (Item No. 247)

Dear Mr. Power:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

[Signature]

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire  
People's Counsel

RE: PETITION FOR VARIANCES : BEFORE THE  
SW/Corner of Highland and Park : ZONING COMMISSIONER  
Avenues - 9th Election District :  
Betty Lee Dulany - Petitioner : OF  
NO. 82-53-A (Item No. 247) : BALTIMORE COUNTY

... : ... : ...

The petitioners have withdrawn this petition; therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of January, 1982, that said petition be and the same is hereby DISMISSED without prejudice.

[Signature]  
Zoning Commissioner of  
Baltimore County

ORDER RECEIVED FOR FILING

DATE: January 6, 1982  
BY: [Signature]  
COUNTY CLERK

# MCKEE, DUVAL & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

1717 YORK RD.

LUTHERVILLE, MARYLAND 21103

Telephone: (301) 252-5820

June 17, 1981

DESCRIPTION TO ACCOMPANY  
PETITION FOR ZONING VARIANCE

"DULANY NEWS"  
9TH ELECTION DISTRICT

Beginning for the same at a point at the intersection of the Westernmost right-of-way line of Highland Avenue (60 Feet wide) with the Southernmost right-of-way line of Park Avenue (30 Feet wide); thence running along the Westernmost right-of-way line of Highland Avenue South 16° 17' 14" West 54.05 feet; thence leaving Highland Avenue and running the following six courses and distances, viz: North 73° 42' 46" West 150.00 feet; South 16° 17' 14" West 155.00 feet; North 68° 27' 39" West 277.46 feet; North 32° 06' 07" East 128.55 feet; South 62° 10' 04" East 156.42 feet and North 32° 06' 34" East 152.13 feet to a point on the Southernmost right-of-way line of Park Avenue; thence running along the Southernmost right-of-way line of Park Avenue South 58° 03' 06" East 204.10 feet to the place of beginning. Containing 1.174 acres of land, more or less.



6/17/81



# REQUESTED VARIANCES

- On Lot #2 - To permit sideyard setbacks of 7 feet and 1 foot, in lieu of the required 10 feet; and to permit a rearward setback of 3 feet, in lieu of the required 30 feet.
- On Lot #4 - To permit a lot width of 58 feet at the existing front building line, in lieu of the required 70 feet; to permit a sideyard setback of 7.5 feet, in lieu of the required 10 feet; and to permit a sum of sideyard widths of 19.5 feet, in lieu of the required 25 feet.
- On Lot #5 - To permit a lot width of 58 feet at the existing front building line, in lieu of the required 70 feet; to permit a sideyard setback of 7.5 feet in lieu of the required 10 feet; and to permit a minimum sum of sideyard widths of 19.5 feet, in lieu of the required 25 feet.



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

August 26, 1981

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

Mr. William J. Dulany  
1303 Margaret Avenue  
Towson, Maryland 21204

RE: Petition for Variance  
SW corner Highland & Park Avenues  
Betty Lee Dulany, et al - Petitioners  
Case #82-53-A

Dear Mr. Dulany:

This is to advise you that \$67.38 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 100474

DATE 8/31/81 ACCOUNT 6738 01-662

AMOUNT \$67.38

RECEIVED FROM Betty Lee Dulany  
FOR Posting & Advertising of Case #82-53-A

38047455-1 673800

VALIDATION OR SIGNATURE OF CARRIER

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER  
SW corner of Highland and Park :  
Aves., 9th District : OF BALTIMORE COUNTY

BETTY LEE DULANY, et al, : Case No. 82-53-A  
Petitioners :

## ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 13th day of August, 1981, a copy of the foregoing

Order was mailed to Mr. William J. Dulany, Mr. John W. Stebbins and Ms. Betty Lee Dulany, 1303 Margaret Avenue, Towson, Maryland 21204, Petitioner.

John W. Hession, III  
John W. Hession, III

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th  
Posted for: VARIANCES  
Petitioner: BETTY LEE DULANY  
Location of property: SW corner of Highland & Park Avenues  
Location of Signs: SW corner of Highland & Park Avenues  
Remarks:  
Posted by: [Signature]  
Number of Signs: 2

## DUPLICATE CERTIFICATE OF PUBLICATION

TOWSON, MD. August 13, 1981  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each week, on the 13th day of August, 1981, the first publication appearing on the 13th day of August, 1981.

THE JEFFERSONIAN  
[Signature]  
Manager  
Cost of Advertisement, \$ 28.00

Mr. William J. Dulany  
1303 Margaret Avenue  
Towson, Maryland 21204

August 7, 1981

## NOTICE OF HEARING

RE: Petition for Variance  
SW corner of Highland and Park Avenues  
Betty Lee Dulany, et al - Petitioners  
Case No. 82-53-A

TIME: 9:30 A.M.  
DATE: Thursday, September 3, 1981  
PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND

[Signature]  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond  
Zoning Commissioner  
TO: Norman E. Gerber, Director  
Office of Planning and Zoning  
FROM: Petition No. 82-53-A Item 247  
SUBJECT: Petition for Variance  
S W corner Highland Avenue and Park Avenue  
Petitioner- Betty Lee Dulany, et al

Petition for Variance  
S W corner Highland Avenue and Park Avenue  
Petitioner- Betty Lee Dulany, et al

There are no comprehensive planning factors requiring comment on this petition.

[Signature]  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG:JGH:ab

## PETITION FOR VARIANCE

9th DISTRICT

ZONING: Petition for Variance  
LOCATION: Southwest corner of Highland and Park Avenues  
DATE & TIME: Thursday, September 3, 1981 at 9:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance:  
On lot #2 - to permit side yard setbacks of 7 feet and one foot, in lieu of the required 10 feet; and to permit a rear yard setback of 3 feet, in lieu of the required 30 feet;  
On lots #4 and #5 - to permit lot widths of 58 feet at the existing front building lines, in lieu of the required 70 feet; to permit side yard setbacks of 7.5 feet, in lieu of the required 10 feet; and to permit a sum of side yard widths of 19.5 feet, in lieu of the required 25 feet.

The Zoning Regulation to be excepted as follows:

Section 1B02.3C.1 - Minimum side yard, rear yard and sum of side yard setbacks, and lot widths in D. R. 3.5 and D. R. 5.5 Zones

All that parcel of land in the Ninth District of Baltimore County.

Being the property of Betty Lee Dulany, et al, as shown on plat plan filed with the Zoning Department.  
Hearing Date: Thursday, September 3, 1981 at 9:30 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



7-2760  
LAW OFFICES  
POWER AND MOSNER  
21 WEST SUBQUENNA AVENUE  
TOWSON, MARYLAND 21204  
(301) 823-1250  
COUNSEL  
GORDON G. POWER

December 23, 1981

William E. Hammond, Esquire  
Zoning Commissioner for Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Variance  
3/4 corner Highland and Park Avenues  
Case #82-53-A *Petty Lee Dulany, et al*

Dear Mr. Hammond:

Please dismiss without prejudice case #82-53-A.

With appreciation,

Very truly yours,  
*Gordon G. Power*  
Gordon G. Power

GGP:sn

DEC 28 1981 AM  
ZONING DEPARTMENT

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 100421

DATE 8/4/81 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM McKee, DuVal & Associates  
FOR Filing Fee for Case #82-53-A

288448 5 2500

VALIDATION OR SIGNATURE OF CASHIER  
Submitted by *McKee, DuVal & Assoc.*  
Petitioner's Attorney Reviewed by *UCN*

E. Hammond, Zoning Commissioner

\*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION FOR VARIANCE  
9th DISTRICT

ZONING: Petition for Variance

LOCATION: Southwest corner of Highland and Park Avenues

DATE & TIME: Thursday, September 3, 1981 at 9:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

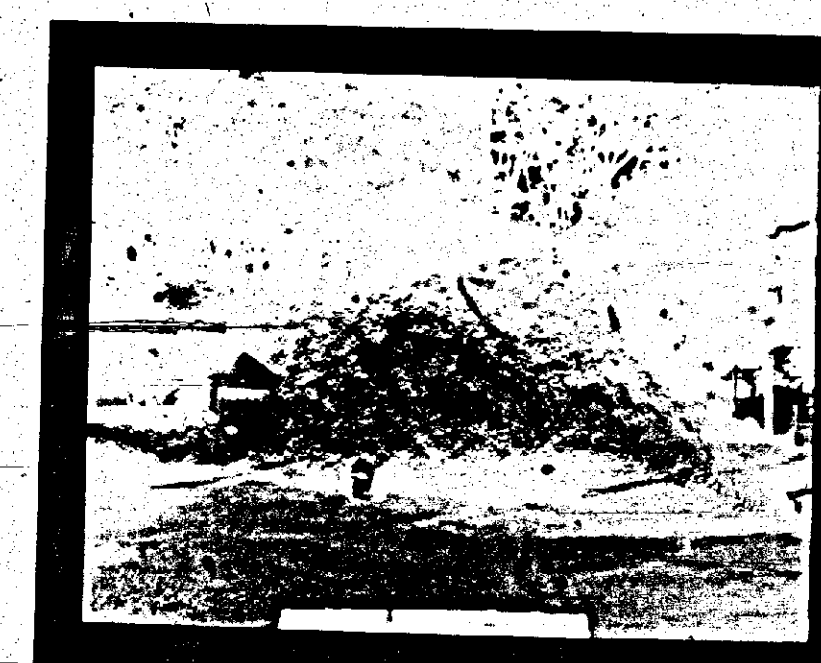
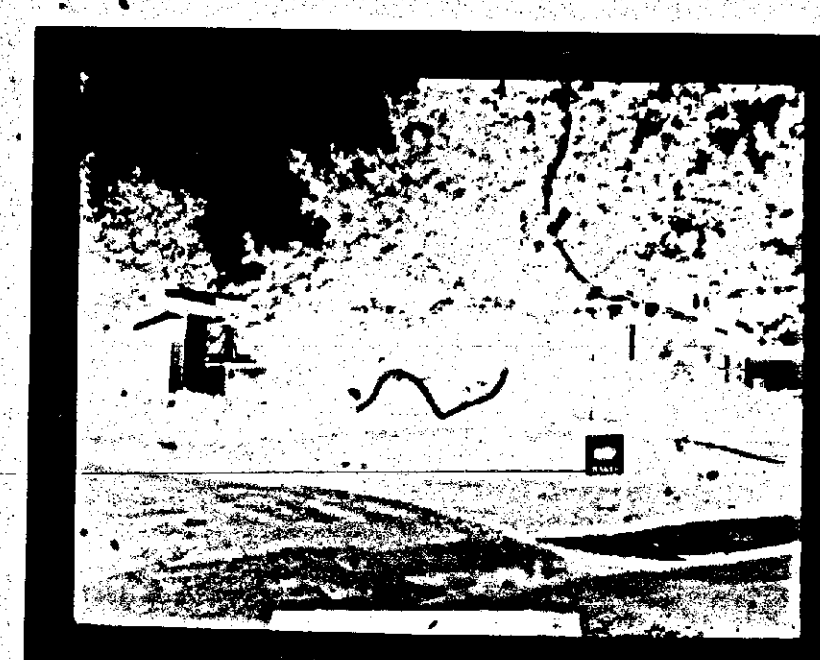
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The Zoning Regulation to be excepted as follows:  
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All that parcel of land in the Ninth District of Baltimore County.

Being the property of Betty Lee Dulany, et al, as shown on plat plan filed with the Zoning Department.  
Hearing Date: Thursday, September 3, 1981 at 9:30 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland

BY ORDER OF  
WILLIAM E. HAMMOND  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



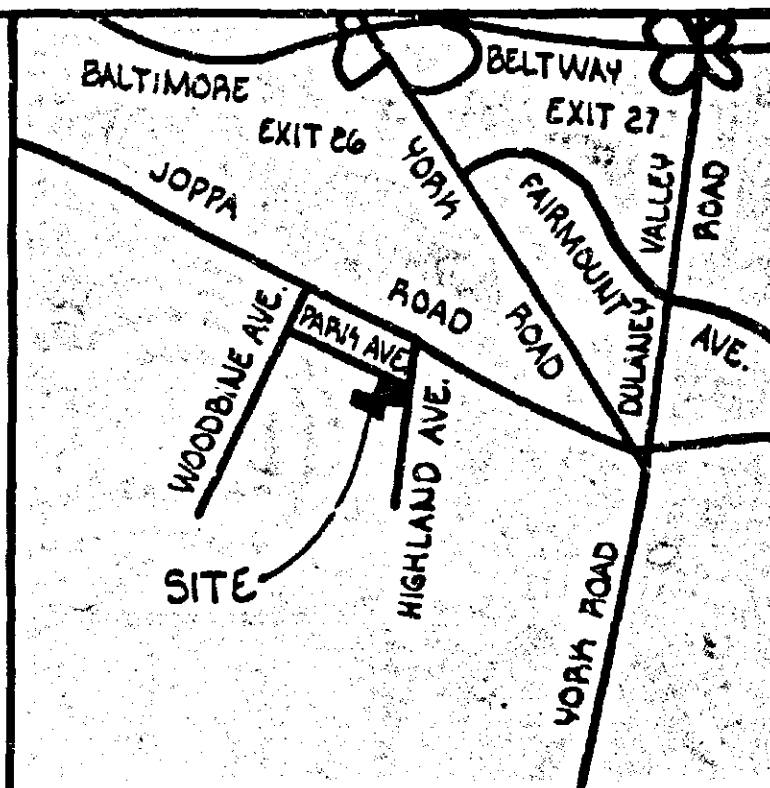


# GENERAL NOTES

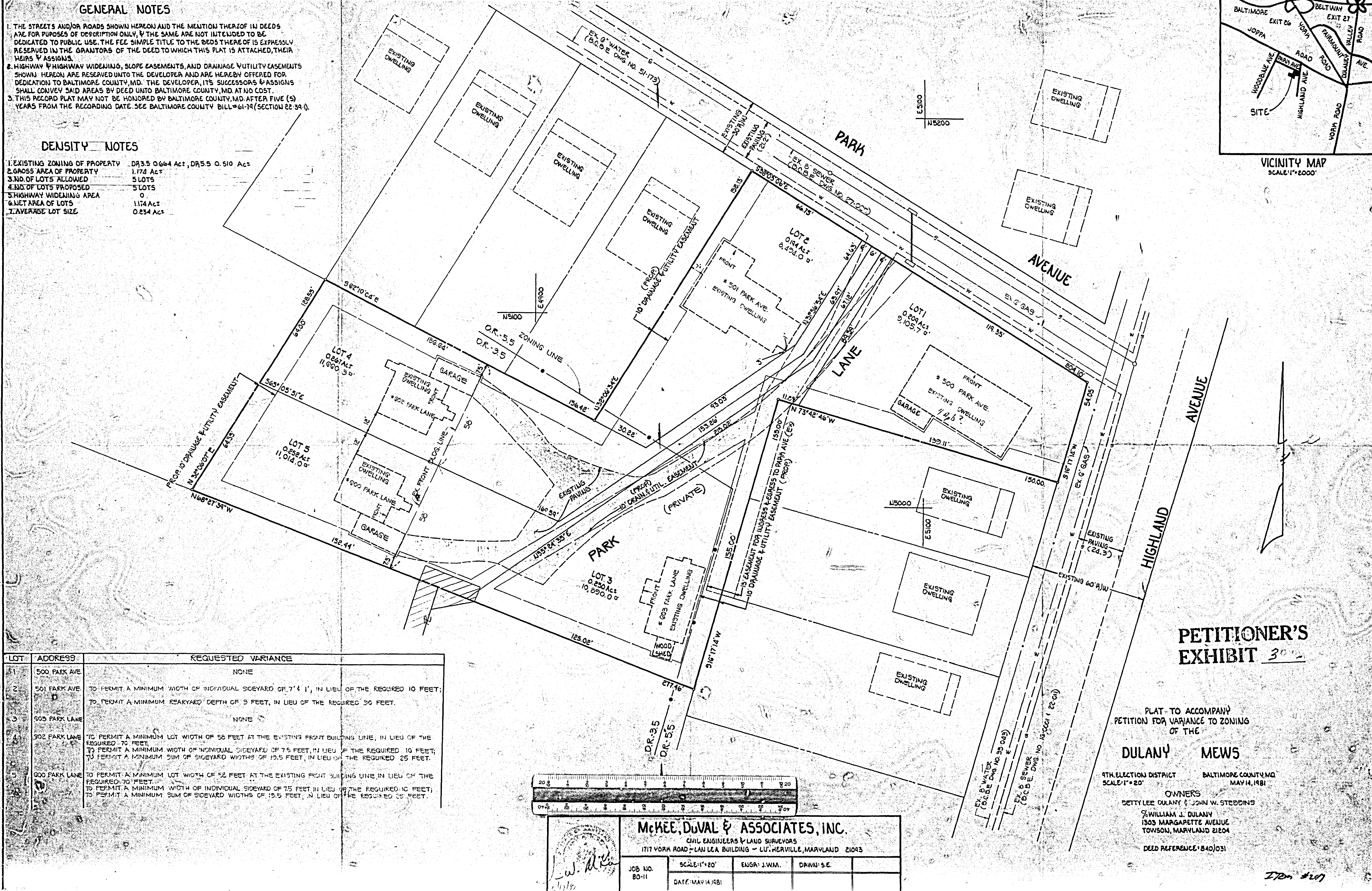
1. THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, & THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS & ASSIGNS.
2. HIGHWAY & HIGHWAY WIDENING, SLOPE EASEMENTS, AND DRAINAGE UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MD. THE DEVELOPER, ITS SUCCESSORS & ASSIGNS SHALL CONVEY SAID AREAS BY DEED UNTO BALTIMORE COUNTY, MD. AT NO COST.
3. THIS RECORD PLAT MAY NOT BE HONORED BY BALTIMORE COUNTY, MD. AFTER FIVE (5) YEARS FROM THE RECORDING DATE. SEE BALTIMORE COUNTY BILL #61-74 (SECTION 22-34-1).

## DENSITY NOTES

1. EXISTING ZONING OF PROPERTY DR-3.5 0.664 Ac.; DR-3.5 0.510 Ac.
2. GROSS AREA OF PROPERTY 1.174 Ac.
3. NO. OF LOTS ALLOWED 5 LOTS
4. NO. OF LOTS PROPOSED 5 LOTS
5. HIGHWAY WIDENING AREA 0
6. NET AREA OF LOTS 1.174 Ac.
7. AVERAGE LOT SIZE 0.234 Ac.



VICINITY MAP  
SCALE: 1" = 2000'



PETITIONER'S  
EXHIBIT 3

PLAT TO ACCOMPANY  
PETITION FOR VARIANCE TO ZONING  
OF THE

DULANY MEWS

9TH ELECTION DISTRICT BALTIMORE COUNTY, MD  
SCALE: 1" = 20' MAY 14, 1981

OWNERS

BETTY LEE DULANY & JOHN W. STEEDING  
% WILLIAM J. DULANY  
1303 MARGARETTE AVENUE  
TOWSON, MARYLAND 21204

DEED REFERENCE: 840/031

LOT	ADDRESS	REQUESTED VARIANCE
1	500 PARK AVE	NONE
2	501 PARK AVE	TO PERMIT A MINIMUM WIDTH OF INDIVIDUAL SIDEYARD OF 7' 6" IN LIEU OF THE REQUIRED 10 FEET; TO PERMIT A MINIMUM REARYARD DEPTH OF 3 FEET, IN LIEU OF THE REQUIRED 30 FEET.
3	603 PARK LANE	NONE
4	602 PARK LANE	TO PERMIT A MINIMUM LOT WIDTH OF 58 FEET AT THE EXISTING FRONT BUILDING LINE, IN LIEU OF THE REQUIRED 70 FEET; TO PERMIT A MINIMUM WIDTH OF INDIVIDUAL SIDEYARD OF 7.5 FEET, IN LIEU OF THE REQUIRED 10 FEET; TO PERMIT A MINIMUM SUM OF SIDEYARD WIDTHS OF 12.5 FEET, IN LIEU OF THE REQUIRED 25 FEET.
5	600 PARK LANE	TO PERMIT A MINIMUM LOT WIDTH OF 52 FEET AT THE EXISTING FRONT BUILDING LINE, IN LIEU OF THE REQUIRED 70 FEET; TO PERMIT A MINIMUM WIDTH OF INDIVIDUAL SIDEYARD OF 7.5 FEET, IN LIEU OF THE REQUIRED 10 FEET; TO PERMIT A MINIMUM SUM OF SIDEYARD WIDTHS OF 12.5 FEET, IN LIEU OF THE REQUIRED 25 FEET.



McKEE, DuVAL & ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS  
1717 YORK ROAD - LAN LEA BUILDING - LUTHERVILLE, MARYLAND 21043

JOB NO.  
80-11

SCALE: 1" = 20'  
DATE: MAY 14, 1981

ENGR. J.W.M.

DAWN S.E.

1700 #207